

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL McCULLON,	:	Civil No. 3:12-CV-445
	:	
Plaintiff,	:	
	:	
v.	:	(Judge Kosik)
	:	
M. SAYLOR, et al.	:	(Magistrate Judge Carlson)
	:	
Defendants.	:	

MEMORANDUM AND ORDER

The background of this order is as follows:

On March 12, 2012, the Plaintiff, a federal prisoner, commenced this action by filing a *pro se* complaint. (Doc. 1.) This complaint identified several Defendant correctional officers simply as John Doe Defendants. (Id.) A summons issued and the Defendants have filed a motion to dismiss, but the Defendants have not yet been called upon to answer this complaint.

On July 30, 2012, the Plaintiff filed a motion for leave to amend the Plaintiff's complaint. (Doc. 32.) This motion simply seeks to identify these John Doe Defendants as Correctional Officers G. Reese, J. Carpenter, S. Booth, J. Lesho, S. Hicks, K. Whittaker, and W. Cross. (Id.) The Defendants have not responded to this motion in any fashion. Therefore, we will deem the motion to be unopposed and as

an unopposed motion we agree that the motion for leave to amend should be granted. Such motions are governed by Rule 15(a) of the Federal Rules of Civil Procedure, which strongly favors amendment of pleadings at the outset of litigation. Rule 15(a), F.R. Civ. P. In this case the Plaintiff timely sought leave to file an amended complaint. Therefore, the Plaintiff should be granted leave to amend this complaint under Rule 15. Of course, nothing in this decision implies any views on the ultimate merits of the issues raised in the amended complaint, an issue that will be reserved for another time.

Accordingly, for the foregoing reasons, IT IS ORDERED that the Plaintiff's motion for leave to amend is GRANTED, and the Plaintiff shall file an amended complaint identifying all John Doe Defendants on or before **September 5, 2012**.

SO ORDERED, this 22d day of August 2012.

/s/ *Martin C. Carlson*

Martin C. Carlson

United States Magistrate Judge